

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROVER PIPELINE LLC,

Plaintiff,

v.

AMY M. ZWICK, *et al.*,

Defendants.

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Case No. 2:19-cv-4698

Chief Judge Algenon L. Marbley

Magistrate Judge Jolson


ORDER

On March 24, 2022, this Court issued an Opinion and Order denying Plaintiff's Motion for Summary Judgment (ECF No. 68), granting in part Defendants' Motion for Summary Judgment (ECF No. 69), and remanding Plaintiff's remaining state law claims to the Monroe County Common Pleas Court. (*See* ECF No. 94).

As detailed in that Opinion and Order, "[w]hen all federal claims are dismissed before trial, the balance of considerations usually will point to" dismissing the state law claims or remanding them to the state court where the action originated. *Musson Theatrical v. Federal Express Corp.*, 89 F.3d 1244, 1254–55 (6th Cir. 1996). Based on representations from Defendants (*see* ECF No. 69 at 34), this Court was under the impression that a remand would be in order. On review, however, the proper course of action is to dismiss these state law claims without prejudice. *Musson Theatrical, Inc.*, 89 F.3d at 1254–55 ("When all federal claims are dismissed before trial, the balance of considerations usually will point to dismissing the state law claims or remanding them to state court, *if the action was removed.*") (emphasis added).

Accordingly, Plaintiff's remaining state law claims, as detailed in this Court's Opinion & Order (*see* ECF No. 94), are **DISMISSED without prejudice**. The Clerk is **DIRECTED** to enter an amended judgment.

IT IS SO ORDERED.



ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: March 29, 2022